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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,001	09/22/2003	Shinichiro Koto	243003US-2SRDCONT	4606
22850	7590	02/05/2008	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.			HUBER, JEREMIAH C	
1940 DUKE STREET			ART UNIT	PAPER NUMBER
ALEXANDRIA, VA 22314			2621	
NOTIFICATION DATE		DELIVERY MODE		
02/05/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/665,001	KOTO ET AL.
	Examiner	Art Unit
	Jeremiah C. Huber	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 November 2007.  
 2a) This action is FINAL.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 29 and 30 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 29 and 30 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 22 September 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 9/12/2007.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/2007 has been entered.

### ***Specification***

Claims 29 and 30 objected to because of the following informalities: Parts 2 and 3 of the claims indicate that either averaging or liner extrapolation occurs "when the first mode information indicates a **single** prediction and the second mode information indicates [one of the above modes]" (emphasis added). Based on his understanding of the specification, and the general mechanics of the claim the examiner believes the applicant intended the claim to state --when the first mode indicates a composite prediction--. The claims will be interpreted using this understanding. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 29-30 are rejected under U.S.C. 103(a) as being unpatentable over Demos (6816552) in view of Nakaya (6295376).

In regard to claims 29-30 Demos discloses a method (Demos generally Figs. 2-3 and cols. 1-5) including:

receiving encoded data including:

a first mode information for each macroblock indicating either a single or composite prediction mode (Demos col. 2 lines 16-30 note modes 1 and 2 for single prediction and mode 3 for composite prediction);

a second mode information for each frame indicating a average value or linear extrapolation/interpolation prediction (Demos Figs. 2-3 col. 4 lines 13-29, note for higher M values the frame position will indicate either averaging or interpolation, i.e. for M=4 with three B frames, the first B frame will use interpolation whereas the second, or middle, B frame will use averaging see figures for example layout with M=3); and

a predictive error signal ( Demos, col. 1 lines 51-57 note only differences, or predictive errors, are used for P and B frames);

Demos further discloses predicting macroblocks using either single or composite prediction (Demos col. 2 lines 16-30) and using either average value or linear interpolation/extrapolation when composite prediction is used (Demos Figs. 2-3 col. 4 lines 13-29 note comments above). Demos also discloses decoding video data (Demos

col. 1 lines 16-25). It is noted that Demos does not explicitly disclose a decoding structure. However decoding of encoded video was common and notoriously well known in the art at the time of the invention as is shown by Nakaya. Nakaya discloses a video decoder that generates predictive macroblocks using single or composite prediction (Nakaya Fig. 2 and col. 2 lines 47 to 67, also col. 7 lines 16-22 for composite averaging prediction) and generating decoded macroblocks by adding the predictive macroblock to the predictive error signal (Nakaya Fig. 2 207). It is therefore considered obvious that one of ordinary skill in the art would recognize the advantage of utilizing a decoding structure, like the one taught in Nakaya, in the invention of Demos in order to perform decoding. One would further expect Demos to utilize a decoder in order to present video data in an viewable format.

### ***Response to Arguments***

Applicant's arguments with respect to claims 29-30 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Improved direct mode for B pictures in TML discloses a method of temporally weighting reference block values to be used with direct mode B pictures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremiah C. Huber whose telephone number is (571)272-5248. The examiner can normally be reached on Mon-Fri 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571)272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeremiah C Huber  
Examiner  
Art Unit 2621

*Mehrdad Dastouri*  
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SUPERVISORY PATENT EXAMINER  
TC 2600